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Government of Kerala
2019



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI

Reg. No. KL/TV(N)/634/2018-20

കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 8 Vol. VIII	തിരുവനന്തപുരം, ചൊവ്വ Thiruvananthapuram, Tuesday	2019 ആഗസ്റ്റ് 27 27th August 2019	നമ്പർ No.	35
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PART IV Private Advertisements and Miscellaneous Notifications

(3)

No. Rect./201730/Faculties Maths/2017 (Sl. No. 40).

22nd July 2019.

*Ref:—*Notification No.Ad.D3/136/Notif./2008 (2) dated 17-8-2015.

The following ranked list of candidates selected for appointment to the post-Sl. No. 40-Associate Professor-Mathematics (LC/AI) in the Department of Mathematics, CUSAT, on the scale of pay of ₹ 37,400-67,000 + Academic Grade Pay (AGP) ₹ 9,000 on the basis of the interview held on 12th July 2019, arranged in the order of merit, is published for information. This ranked list will be valid for a period of two years from the date of notification of rank list.

<i>Sl. No.</i>	<i>Reg. No.</i>	<i>Name</i>	<i>DOB</i>	<i>Community:Caste: Category</i>	<i>Marks</i>	<i>Rank No.</i>
1	4357	Shery Fernandez	10-5-1972	Christian:Latin Catholic:Anglo Indian:OBC	53	I

University Buildings,
Kochi-22.(Sd.)
Registrar.**COCHIN PORT TRUST**

Willingdon Island, Cochin-9

NOTIFICATION

No. A1/23/Stevedoring/2017-S.

7th August 2019.

In exercise of the powers conferred by section 123 of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees of the Cochin Port Trust hereby makes the following regulations, in supersession of the Cochin Port (Issue of Stevedoring Licences) Regulations, 1987, except as respects things done or omitted to be done before such supersession, namely:—

1. Short Title and Commencement:—

- (1) These Regulations may be called the Cochin Port Trust (Licensing of Stevedoring and shore handling) Regulations, 2019.
- (2) They shall come into force on the date of Publication of the approval thereto by the Central Government in the Official Gazette.

2. Definitions:—In these regulations, unless the context otherwise requires,—

- (a) “Act” means the Major Port Trusts Act, 1963 (38 of 1963);
- (b) “agent” means a person to whom stevedoring and shore handling license has been issued under regulation 6;
- (c) “Board” means the Board of Trustees of the Cochin Port Trust constituted under the Act;
- (d) “Chairman” means the Chairman of the Board;
- (e) “Form” means a form appended to these regulations;
- (f) “Port” means the Cochin Port;
- (g) “licence” means a stevedoring and shore handling licence issued under regulation 6;
- (h) “royalty” means the amount fixed by the Board which is payable by an agent to the Board for rendering stevedoring and shore handling services;
- (i) “shore handling activities” include arranging and receiving the cargo to or from the hook point, intermodal transport from wharf to stack yard and *vice-versa* and also receiving and delivering of cargo from or to wagons or trucks;
- (j) “stevedoring activities” include activities carried on board involving workmen, extending to hooking for loading cargo and unhooking of unloading cargo;
- (k) “tariff authority” means the Tariff Authority for Major Ports constituted under section 47A of the Act;

- (l) “Traffic Manager” means the Officer for the time being in-charge of the traffic department of the Cochin Port Trust and includes his deputies and assistants or any other officer acting under his authority;
- (m) words and expressions used herein and not defined but defined in the Act shall have the same meaning as assigned to them in the Act.

3. Application:—These regulations shall apply to the stevedoring activities on board and shore handling activities on shore undertaken by the agent, but shall not apply to such activities undertaken either by the Board or by any person with whom Public Private Partnership agreement or Build-Operate-Transfer agreement or such other agreement has been entered into by the Board.

4. No person to undertake stevedoring or shore handling activities without License:— No person shall undertake to perform the stevedoring and shore handling activities in the Port unless he has been issued a valid License under these regulations:

Provided that a person to whom licence has been issued prior to the coming into force of these regulations may continue to operate under the existing licence for a period of sixty days or till he obtains a License under these regulations, whichever is earlier.

5. Criteria for issue of License:—A licence for carrying out the stevedoring and shore handling activities may be issued to an applicant who fulfills the following criteria, namely:—

- (a) the applicant is a Company registered under the Companies Act, 2013 (18 of 2013) or a partnership Firm or any other legal entity;
- (b) the applicant has employed, or submits an undertaking to employ, at least six supervisory personnel possessing minimum of two years’ of experience in cargo handling or stowage;
- (c) the applicant possesses equipment and gears required for stevedoring activities and shore handling activities, as specified by the Board;
- (d) the applicant is willing to deposit interest-free refundable security deposit of rupees five lakhs or such higher amount, as the Board may fix, from time to time, to meet any contingency.

6. Issue of License:—

- (1) Any person who desires to obtain a licence under these regulations for carrying out the stevedoring and shore handling activities may, at any time, submit an application online in the format available on the website of the Board, or in writing to the Chairman in Form-A, along with the documents specified therein and a fee of rupees fifty thousand or such higher fee, as the Board may fix, from time to time.
- (2) If the Chairman is satisfied that the applicant fulfills the criteria specified under regulations 5, he may issue licence to the applicant in Form-B or otherwise communicate the order of refusal to the applicant.
- (3) The licence shall be issued under sub-regulations (2) on payment of security deposit specified in clause (d) of regulation 5.

7. Validity and renewal of License:—

- (1) The License issued under regulations 6 shall be valid for a period of three years from the date of issue of License unless otherwise specified.
- (2) An application for renewal of License may be submitted in Form-A, atleast three months prior to expiry of the licence, along with the documents specified therein and a fee of rupees fifty thousand or such higher fee, as the Board may fix from time to time, and in case of delay, such late fee of Rs.10,000 or such higher amount as fixed by the Board.

- (3) The licence is liable to be renewed if the applicant fulfills the following conditions, namely:—
 - (a) has complied with terms and conditions of the licence;
 - (b) has handled a minimum of ten thousand metric tonne of cargo per annum or such other volume of cargo, as the Board may fix, from time to time;
 - (c) has complied with the safety norms and such compliance has been certified by the Inspector appointed under the Dock Workers (Safety, Health and Welfare) Act, 1986 (54 of 1986) in the report submitted to the Chairman.
- (4) If the Chairman is satisfied that the applicant has fulfilled the conditions specified in sub-regulation (3), he may renew the License for a further period of three years unless otherwise specified or otherwise communicate the order of refusal to the applicant:

Provided that where the report of the Inspector referred to in clause (c) of sub-regulations (3) is not submitted before the date of expiry of the licence, the Chairman may, if he satisfied that the applicant fulfills all other conditions specified in sub-regulations (3), he may, subject to the agent executing an Indemnity bond in Form-C, renew the licence for a further period of three years unless otherwise specified.

- (5) In the event of loss or defacing of the original licence, a duplicate licence may be issued if an application in this behalf is made to the Chairman on payment of rupees one thousand or such other amount as the Board may fix from time to time.

8. Performance standards and tariff for stevedoring and shore handling activities:—

- (1) The Board shall from time to time specify the performance standards to be followed by the agents for carrying out stevedoring and shore handling activities in the port.
- (2) The Board may, for the purpose of encouraging compliance with the performance standards specified by it, fix incentives for the agents and specify penalty for non-performance and may publish monthly summary of performance achieved by the agents on its website.
- (3) The tariff authority shall, on the basis of performance standards specified by the Board under sub-regulation (1), fix and notify tariff separately for mechanized and manual operations of stevedoring and shore handling activities in the port and such tariff shall be the ceiling rates applicable in the port.
- (4) While notifying the tariff under sub-regulations (3), the tariff authority shall also notify the performance standards specified by the Board under sub-regulations (1).
- (5) No agent shall charge tariff exceeding the ceiling rates notified by the tariff authority.
- (6) A nodal officer appointed by the Chairman shall be responsible for-
 - (a) ensuring compliance of the stevedoring and shore handling tariffs by the agents;
 - (b) examine complaints received on violation of tariff notification or imposition of higher charges than the ceiling rates; and
 - (c) submit report to the Traffic Manager on the contraventions committed by any agent.

9. Payment of Royalty:—

- (1) The Board shall, in respect of the License issued by it, charge a royalty as the licence fee on per ton basis fixed by the Board and no discrimination shall be made in charging such royalty for the same type and quantity of cargo handled by the agents.
- (2) Every agent shall be liable to pay royalty in advance, prior to calling of the vessel, on the basis of import general manifest quantity, in case of import and on the basis of the quantity declared by the vessel's agent or exporter or export general manifest, in case of export and the actual royalty payable shall be calculated after completion of the vessel's operation based on the total quantum of cargo handled by the agent.

- (3) The difference in amount of royalty, if any, shall be payable within ten days from the date of raising of the bill and in case of delay in payment of royalty, interest shall be payable as specified in the Scale of Rates of the Port.
- (4) The Board may consider the waiver of royalty in following circumstances, namely:—
 - (a) cargo handled by the agents during the period of strike called by the registered cargo handling workers of the Port;
 - (b) relief cargo handled during the natural calamities;
 - (c) defence cargo handled during the emergencies and war like situations;
 - (d) if such direction is issued by the Government.

10. Duties and responsibilities of agents:— Every agent shall perform the following duties and have the following responsibilities, namely—

- (a) submit to the traffic department a daily performance report online;
- (b) comply with applicable safety norms specified under any law for the time being in force in relation to his activity;
- (c) indemnify the Board against all third party claims arising out of his operations;
- (d) ensure that the casual workers deployed by him are covered by the insurance policy and other benefits under applicable law;
- (e) if any gear, plant or any other property of the Board is damaged in the course of stevedoring and shore handling operations, he shall compensate the Board for such loss or damage;
- (f) ensure compliance with the terms and conditions of the licence;
- (g) achieve the performance standards fixed by the Board from time to time;
- (h) shall pay all the dues of the port; including charges for services availed from the registered cargo handling workers and the interest as specified in the scale of rates.
- (i) shall publish the tariff charged by it, which shall not exceed the ceiling rates fixed by tariff authority and upload the same on its website;
- (j) ensure publication of its tariff on the website of the Board;
- (k) impart training on a periodical basis in modern methods of cargo handling in the Personnel deployed for stevedoring and shore handling activities for improving the productivity, efficiency and safety in handling stevedoring and shore handling activities.

11. Duties of Traffic Manager:—(1) The Traffic Manager shall be responsible for monitoring and ensuring compliance of the terms and condition of the licence issued to the agents and also of the safety norms to be followed by such agents.

- (2) In case of any default in the compliance of the terms and conditions of the licence or in following of the safety norms by any agent, the Traffic Manager shall, in the event of first such default, cause a warning to be issued to such agent and in the event of subsequent defaults, submit a report to the Chairman stating details of non-compliance and recommending penal action to be taken against the agent, including cancellation of the licence and forfeiture of security deposit.

- 12. *Deployment of workers of Board, Dock Labour Board, License holder or other source:***— The agent shall deploy the workers of the Board in accordance with the law for the time being in force and in case the Board is unable to supply the workers as sought by the agent, the Board may allow the agent to make its own arrangement and in such case, no charges shall be leviable by the Board.
- 13. *Suspension and cancellation of licence:***— The Chairman may review the performance of the agents in every three months and in case he deems it necessary, he may, by an order in writing, for reasons to be recorded, suspend or cancel the licence issued by him on any of the following grounds, namely:—
- (a) the performance standards has not been achieved for an average period of one year;
 - (b) has been charging tariff higher than the ceiling rates approved by the tariff authority;
 - (c) has been handling cargo less than the volume as specified in clause (b) of sub-regulation (3) of regulation 7, consecutively for a period of two years;
 - (d) has been convicted by the Court for an offence involving moral turpitude;
 - (e) has contravened safety regulations and failed to comply with the mandatory dock safety measures;
 - (f) has failed to adopt proper and safe handling methods;
 - (g) has been guilty of misrepresentation or misstatement of material facts;
 - (h) has been adjudged insolvent or is in liquidation;
 - (i) has transferred the licence or sub-contracted with any other person for operating the stevedoring and shore handling activities;
 - (j) has failed to comply with security rules, instructions or International Ship and Port Facility Security Code;
 - (k) has failed to submit daily performance report;
 - (l) has indulged in illegal or corrupt practices;
 - (m) has been guilty of misconduct which in the opinion of the Board, warrants cancellation or suspension of License:

Provided that no such license shall be cancelled or suspended until the holder of the licence has been given a reasonable opportunity for showing cause why his license should not be cancelled or suspended on such ground.

14. *Appeal:*— A person who is aggrieved by the order of refusal to issue of licence under regulation 6 by the order of refusal to renew licence under regulation 7 or by the order of suspension or cancellation under regulation 13 may prefer an appeal to the Central Government within thirty days of the receipt of the order appealed against.

15. *Refund of security deposit:*— The security deposit is liable to be refunded to the agent, after making adjustments of the claims of the Board, if any, in the following circumstances, namely:—

- (a) on the expiry of the period of licence and no application has been made for renewal;
- (b) on the refusal of the application for renewal of licence;
- (c) on cancellation of licence; and
- (d) if the agent desires to foreclose the licence issued to him and makes an application in writing to the Chairman for foreclosure and refund of security deposit.